

# FAX MESSAGE

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TO; examiner Steven J. Castellano

Art Unit 3727

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FROM; Ferdinand Schermel

RE; response to office communication dated Dec 5, 2001, date mailed 12/14/2001

GROUP 3700

I hereby elect, without prejudice, I. claims 1-10, drawn to a modular wheeled container system related as product, in response to the restriction under 35 U.S.C.121. I also traverse the restriction for the following reasons:

1. if the product of the handles or handles with hitch are not used, resulting in the containers not secured to each other and used individually as indicated by your example, either as a single unsecured container or non hitched container, then the benefits of the claimed process, that is to increase the effective volume without increasing the effective lifting weight in tilted wheeled container are not realized. The individual containers are not the claimed product.
2. the product's element of the handles and/or hitch when used, will always result in the benefits of the claimed process, that is to increase the effective volume without increasing the effective lifting weight in tilted wheeled containers.
3. the handle is also an integral element of the hitch.
4. the handle and hitch are both essential elements in securing containers specifically for tilted wheeled containers in order to form a single entity.
5. the objects of the invention are a "single trip to the curb" and "to reduce the effective lifting weight for tilted wheeled containers" and require both securing and hitching operations to meet the objectives.
6. the recycle containers weight, when using say newsprint (especially when wet), would be too heavy to lift if the container was the same height as a refuse container, thus requiring an additional container to be secured to the top to increase it's height to permit hitching as well as ergonomically allow tilting and moving of an unhitched, but also dimensionally stable, wheeled container.

I hereby elect, without prejudice, **GROUP A**. Fig 1 as the single disclosed species for prosecution, in response to the requirement under 35 U.S.C.121. Claims 1-21 are readable thereon.

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thank you

  
Ferdinand Schermel

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PTO/SS/21 (08-00)

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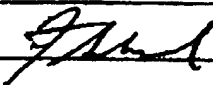
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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/872,914
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	First Named Inventor	F. SCHERMEL
	Group Art Unit	3727
	Examiner Name	SJ. CASTELLANO
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